

U.S.A. vs ROGELIO TOVAR-HERNANDEZ

No. 08CR2314-H

The Court finds excludable delay, under the section indicated by check (), commenced on 7/24/08 and ended on 8/25/08; (X7, XT1) _____ and ended on _____.

3161(h)

(1) (A) Exam or hrg for **mental or physical incapacity**

A

(1) (B) **NARA examination** (28:2902)

B

(1) (D) State or Federal trials or **other charges pending**

C

(1) (E) **Interlocutory appeals**

D

(1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)

E

(1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)

F

(1) (J) **Proceedings under advisement** not to exceed thirty days

G

Misc proc: Parole or prob rev, deportation, **extradition**

H

(1) (H) **Transportation** from another district or to/from examination or hospitalization in ten days or less

6

(1) (I) Consideration by Court of **proposed plea agreement**

7

(2) **Prosecution deferred** by mutual agreement

I

(3) (A) (B) **Unavailability of defendant or essential witness**

M

(4) Period of **mental or physical incompetence** of defendant to stand trial

N

(5) Period of **NARA commitment or treatment**

O

(6) **Superseding indictment and/or new charges**

P

(7) **Defendant awaiting trial of co-defendant** when no severance has been granted

R

(8) (A) (B) **Continuances** granted per (h)(8)-use "T" alone if more than one of the reasons below are given in support of continuance

T

(8) (B) (I) 1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.
(Continuance - miscarriage of justice)

T1

X 2) Failure to grant a **continuance** of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.
(Continuance - tendered a guilty plea)

X

(8) (B) (ii) 2) **Case unusual or complex**

T2

(8) (B) (iii) 3) **Indictment** following arrest **cannot be filed** in thirty (30) days

T3

(8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel, or give reasonable time to prepare
(Continuance re counsel)

T4

3161(I) Time up to **withdrawal of guilty plea**

U

3161(b) **Grand jury indictment time extended** thirty (30) more days

W

Date 7/24/08

NCS
Judge's Initials